

ORDINANCE

AN ORDINANCE relating to land use and zoning, amending Sections 23.22.062, 23.24.045, 23.34.011, 23.44.008, 23.44.012, 23.44.014, 23.44.040, 23.44.041, 23.44.050, 23.84.004, 23.84.008, 23.84.032, 23.90.018 and 23.90.019 of the Seattle Municipal Code, to allow detached accessory dwelling units (ADUs) in single family zones and to make other changes relating to accessory dwelling units.

WHEREAS, pursuant to Ordinances 1119241, 119368, 119784, and 120318, the City implemented a Demonstration Program for Innovative Housing that tested a number of innovative residential design solutions, including detached ADUs; and

WHEREAS, the detached ADU projects have been evaluated and have been found to successfully work in a variety of neighborhoods and on a variety of lot sizes; and

WHEREAS, accessory dwelling units can provide home owners with supplemental income to help an owner meet existing mortgage payments, or to help a renter afford home ownership; and

WHEREAS, detached ADUs can provide an affordable means of alternative housing not currently available in Seattle without substantially impacting existing residential neighborhoods; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Subsections A and B of Section 23.22.062 of the Seattle Municipal Code, which section was last amended by Ordinance 119618, is amended as follows:

23.22.062 Unit lot subdivisions.

A. The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family ((residences)) dwelling units in zones where such uses are permitted.

B. Except for any site for which a permit has been issued pursuant to Section 23.44.041
for a detached accessory dwelling unit, sites ((Sites)) developed or proposed to be developed
with dwelling units listed in subsection A above may be subdivided into individual unit lots. The
development as a whole shall meet development standards applicable at the time the permit

1 application is vested. As a result of the subdivision, development on individual unit lots may be
2 nonconforming as to some or all of the development standards based on analysis of the
3 individual unit lot, except that any private, usable open space for each dwelling unit shall be
4 provided on the same lot as the dwelling unit it serves.

5 * * *

6 Section 2. Subsections A and B of Section 23.24.045 of the Seattle Municipal Code,
7 which section was last amended by Ordinance 119618, is amended as follows:

8 **23.24.045 Unit lot subdivisions.**

9 A. The provisions of this section apply exclusively to the unit subdivision of land for
10 townhouses, cottage housing developments, residential cluster developments, and single-family
11 ~~((residences))~~ dwelling units in zones where such uses are permitted.

12 B. Except for any site for which a permit has been issued pursuant to Section 23.44.041
13 for a detached accessory dwelling unit, sites ~~((Sites))~~ developed or proposed to be developed
14 with dwelling units listed in subsection A above may be subdivided into individual unit lots. The
15 development as a whole shall meet development standards applicable at the time the permit
16 application is vested. As a result of the subdivision, development on individual unit lots may be
17 nonconforming as to some or all of the development standards based on analysis of the
18 individual unit lot, except that any private, usable open space for each dwelling unit shall be
19 provided on the same lot as the dwelling unit it serves.

20 * * *

21 Section 3. Section 23.34.011, which Section was last amended by Ordinance 117430, is
22 amended as follows:

23.34.011 Single-family zones, function and locational criteria.

A. Function. An area that provides predominantly detached single-family structures on lot sizes compatible with the existing pattern of development and the character of single-family neighborhoods.

B. Locational Criteria. A single-family zone designation is most appropriate in areas meeting the following criteria:

1. Areas that consist of blocks with at least seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use; or

2. Areas that are designated by an adopted neighborhood plan as appropriate for single-family residential use; or

3. Areas that consist of blocks with less than seventy (70) percent of the existing structures, not including detached accessory dwelling units, in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, not including detached accessory dwelling units, or

c. The number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and environmentally suitable for single-family residential developments.

C. An area that meets at least one (1) of the locational criteria in subsection B above should also satisfy the following size criteria in order to be designated as a single-family zone:

1. The area proposed for rezone should comprise fifteen (15) contiguous acres or more, or should abut an existing single-family zone.

2. If the area proposed for rezone contains less than fifteen (15) contiguous acres, and does not abut an existing single-family zone, then it should demonstrate strong or stable single-family residential use trends or potentials such as:

a. That the construction of single-family structures, not including detached accessory dwelling units, in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. That the number of existing single-family structures, not including detached accessory dwelling units, has been very stable or increasing in the last five (5) years, or

c. That the area's location is topographically and environmentally suitable for single-family structures, or

d. That the area shows an increasing number of improvements or rehabilitation efforts to single-family structures, not including detached accessory dwelling units

D. Half-blocks at the edges of single-family zones which have more than fifty (50) percent single-family structures, not including detached accessory dwelling units, or portions of blocks on an arterial which have a majority of single-family structures, not including detached

1 accessory dwelling units, shall generally be included. This shall be decided on a case-by-case
2 basis, but the policy is to favor including them.

3 Section 4. Subsection F of Section 23.44.008, which section was last amended by
4 Ordinance 120293, is further amended as follows:

5 **23.44.008 Development standards for uses permitted outright.**

6 * * *

7 F. ((A)) Except for a detached accessory dwelling unit, any structure occupied by a
8 permitted use other than single-family residential use may be converted to single-family
9 residential use even if the structure does not conform to the development standards for single-
10 family structures. Expansions of converted nonconforming structures shall be regulated by
11 Section 23.42.108. Conversion of structures occupied by nonconforming uses shall be regulated
12 by Sections 23.42.108 and 23.42.110.

13 * * *

14 Section 5. Subsection A of Section 23.44.012 of the Seattle Municipal Code, which
15 section was last amended by Ordinance 120928, is further amended as follows:

16 **23.44.012 Height Limits.**

17 A. Base Height Established.

18 1. ~~((Except as provided in subsection A2, the base permitted height for any~~
19 ~~structure not located in required yards, except as permitted in Section 23.44.014 D3 shall not~~
20 ~~exceed the greater of the following:))~~ Except as permitted in Sections 23.44.014 D3 and
21 23.44.041B, and except as provided in subsection A2 below, the base permitted height for any
22 structure not located in required yards shall not exceed the greater of the following:

1 a. Thirty (30) feet;

2 b. The average height of the two (2) single-family structures which the
3 subject structure abuts if one (1) or both of the abutting structures exceed thirty (30) feet.

4 2. The base permitted height for any structure on lots thirty (30) feet or less in
5 width shall not exceed the greater of the following:

6 a. Twenty-five (25) feet;

7 b. The average height of the two (2) single-family structures on abutting
8 lots, but not to exceed thirty (30) feet.

9 3. The methods of determining structure height, height averages, and lot width are
10 detailed in Chapter 23.86, Measurements.

11 * * *

12 Section 6. Subsection D of Section 23.44.014, which section was last amended by
13 Ordinance 120410, is amended as follows:

14 **23.44.014 Yards.**

15 * * *

16 D. Exceptions from Standard Yard Requirements. No structure shall be placed in a
17 required yard except pursuant to the following subsections:

18 1. Certain Accessory Structures. Any accessory structure may be constructed in a
19 side yard which abuts the rear or side yard of another lot, or in that portion of the rear yard of a
20 reversed corner lot within five (5) feet of the key lot and not abutting the front yard of the key
21 lot, upon recording with the King County Department of Records and Elections an agreement to
22 this effect between the owners of record of the abutting properties. Any accessory structure

1 which is a private garage may be located in that portion of a side yard which is either within
2 thirty-five (35) feet of the centerline of an alley or within twenty-five (25) feet of any rear lot line
3 which is not an alley lot line, without providing an agreement as provided in Section 23.44.016.

4 2. A single-family structure may extend into one (1) side yard if an easement is
5 provided along the side or rear lot line of the abutting lot, sufficient to leave a ten (10) foot
6 separation between that structure and any principal or accessory structures on the abutting lot.
7 Features and projections such as porches, eaves, and chimneys shall be permitted in the ten (10)
8 foot separation area as if the property line were five (5) feet from the wall of the house on the
9 dominant lot, provided that no portion of either principal structure including eaves shall cross the
10 actual property line. The easement shall be recorded with the King County Department of
11 Records and Elections. The easement shall provide access for normal maintenance activities to
12 the principal structure on the lot with less than the required side yard.

13 3. Certain Additions. Certain additions may extend into a required yard when the
14 existing single-family structure is already nonconforming with respect to that yard. The presently
15 nonconforming portion must be at least sixty (60) percent of the total width of the respective
16 facade of the structure prior to the addition. The line formed by the nonconforming wall of the
17 structure shall be the limit to which any additions may be built, except as described below. They
18 may extend up to the height limit and may include basement additions. New additions to the
19 nonconforming wall or walls shall comply with the following requirements (Exhibit 23.44.014
20 A):

1 a. Side Yard. When the addition is a side wall, the existing wall line may
2 be continued by the addition except that in no case shall the addition be closer than three (3) feet
3 to the side lot line;

4 b. Rear Yard. When the addition is a rear wall, the existing wall line may
5 be continued by the addition except that in no case shall the addition be closer than twenty (20)
6 feet to the rear lot line or centerline of an alley abutting the rear lot line;

7 c. Front Yard. When the addition is a front wall, the existing wall line may
8 be continued by the addition except that in no case shall the addition be closer than fifteen (15)
9 feet to the front lot line;

10 d. When the nonconforming wall of the single-family structure is not
11 parallel or is otherwise irregular, relative to the lot line, then the Director shall determine the
12 limit of the wall extension, except that the wall extension shall not be located closer than
13 specified in subsections D3a-c above.

14 4. Uncovered Porches. Uncovered, unenclosed porches or steps may project into
15 any required yard, provided that they are no higher than four (4) feet on average above existing
16 grade, no closer than three (3) feet to any side lot line, no wider than six (6) feet and project no
17 more than six (6) feet into required front or rear yards.

18 5. Special Features of a Structure. Special features of a structure may extend into
19 required yards subject to the following standards only, unless permitted elsewhere in this
20 chapter:

1 a. External architectural details with no living area, such as chimneys,
2 eaves, cornices and columns, may project no more than eighteen (18) inches into any required
3 yard;

4 b. Bay windows shall be limited to eight (8) feet in width and may project
5 no more than two (2) feet into a required front, rear, and street side yard;

6 c. Other projections which include interior space, such as garden windows,
7 may extend no more than eighteen (18) inches into any required yard, starting a minimum of
8 thirty (30) inches above finished floor, and with maximum dimensions of six (6) feet tall and
9 eight (8) feet wide;

10 d. The combined area of features permitted in subsections D5b and c
11 above may comprise no more than thirty (30) percent of the area of the facade.

12 6. Private Garages, Covered Unenclosed Decks, ~~((or))~~ Roofs Over Patios and
13 Other Accessory Structures in Rear Yards.

14 a. Any attached private garages or covered, unenclosed decks or roofs
15 over patios are portions of principal structures. They may extend into the required rear yard, but
16 shall not be within twelve (12) feet of the centerline of any alley, nor within twelve (12) feet of
17 any rear lot line which is not an alley lot line, nor closer than five (5) feet to any accessory
18 structure. The height of private garages shall meet the provisions of Section 23.44.016 D2 and
19 the height of the roof over unenclosed decks and patios may not exceed twelve (12) feet. The
20 roof over these decks, patios and garages shall not be used as a deck. Any detached private
21 garage meeting the requirements of Section 23.44.016, Parking location and access, or detached
22 permitted accessory structure meeting the requirements of Section 23.44.040, General

provisions, may be located in a rear yard. If a private garage has its vehicular access facing the alley, the private garage shall not be within twelve (12) feet of the centerline of the alley.

b. Garages meeting the standards of Section 23.44.016 and other accessory structures meeting the standards of Sections 23.44.040 or 23.44.041, shall be permitted in required rear yards, subject to a maximum combined coverage of forty (40) percent of the required rear yard. In the case of a rear yard abutting an alley, rear yard coverage shall be calculated from the centerline of the alley.

7. Private Garages in Front Yards of Through Lots. On through lots less than one hundred twenty-five (125) feet in depth, either an accessory garage structure or a portion of the principal structure containing a garage shall be permitted to locate in one (1) of the front yards. Private garages, either as accessory structures or as a portion of the principal structure, shall be limited as set forth in Section 23.44.016. The front yard in which the garage may be located shall be determined by the Director based on the location of other accessory garages on the block. If no pattern of garage location can be determined, the Director shall determine in which yard the accessory garage shall be located based on the prevailing character and setback patterns of the block.

8. Access Bridges. Uncovered, unenclosed pedestrian bridges of any height, necessary for access and five (5) feet or less in width, are permitted in required yards except that in side yards an access bridge must be at least three (3) feet from any side lot line.

9. Barrier-free Access. Access facilities for the disabled and elderly meeting Washington State Building Code, Chapter 11 are permitted in any required yards.

10. Freestanding Structures and Bulkheads.

1 a. Fences, freestanding walls, signs and similar structures six (6) feet or
2 less in height above existing or finished grade, whichever is lower, may be erected in any
3 required yard. The six (6) foot height may be averaged along sloping grade for each six (6) foot
4 long segment of the fence, but in no case may any portion of the fence exceed eight (8) feet.
5 Architectural features may be added to the top of the fence or freestanding wall above the six (6)
6 foot height when the following provisions are met: horizontal architectural feature(s), no more
7 than ten (10) inches high, and separated by a minimum of six (6) inches of open area, measured
8 vertically from the top of the fence, may be permitted when the overall height of all parts of the
9 structure, including post caps, are no more than eight (8) feet high; averaging the eight (8) foot
10 height is not permitted. Structural supports for the horizontal architectural feature(s) may be
11 spaced no closer than three (3) feet on center.

12 b. The Director may allow variation from the development standards listed
13 in subsection D10a above, according to the following:

- 14 (1) No part of the structure may exceed eight (8) feet; and
15 (2) Any portion of the structure above six (6) feet shall be
16 predominately open, such that there is free circulation of light and air.

17 c. Bulkheads and retaining walls used to raise grade may be placed in any
18 required yard when limited to six (6) feet in height, measured above existing grade. A guardrail
19 no higher than forty-two (42) inches may be placed on top of a bulkhead or retaining wall
20 existing as of the date of the ordinance codified in this section. If a fence is placed on top of a
21 new bulkhead or retaining wall, the maximum combined height is limited to nine and one-half (9
22 1/2) feet.

1 d. Bulkheads and retaining walls used to protect a cut into existing grade
2 may not exceed the minimum height necessary to support the cut or six (6) feet, whichever is
3 greater. When the bulkhead is measured from the low side and it exceeds six (6) feet, an open
4 guardrail of no more than forty-two (42) inches meeting Building Code requirements may be
5 placed on top of the bulkhead or retaining wall. A fence must be set back a minimum of three (3)
6 feet from such a bulkhead or retaining wall.

7 e. When located in the shoreline setbacks or in view corridors in the
8 Shoreline District as regulated in Chapter 23.60, these structures shall not obscure views
9 protected by Chapter 23.60 and the Director shall determine the permitted height.

10 11. Decks in Yards. Decks no greater than eighteen (18) inches above existing or
11 finished grade, whichever is lower, may extend into required yards.

12 12. Heat Pumps. Heat pumps and similar mechanical equipment, not including
13 incinerators, may be permitted in required yards if the requirements of the Noise Control
14 Ordinance, Chapter 25.08, are not violated. Any heat pump or similar equipment shall not be
15 located within three (3) feet of any lot line.

16 13. Solar Collectors. Solar collectors may be located in required yards, subject to
17 the provisions of Section 23.44.046.

18 14. Front Yard Projections for Structures on Lots Thirty (30) Feet or Less in
19 Width. For a structure on a lot which is thirty (30) feet or less in width, portions of the front
20 facade which begin eight (8) feet or more above finished grade may project up to four (4) feet
21 into the required front yard, provided that no portion of the facade, including eaves and gutters,
22 shall be closer than five (5) feet to the front line (Exhibit 23.44.014 B).

1 15. Front and rear yards may be reduced by twenty-five (25) percent, but no more
2 than five (5) feet, if the site contains a required environmentally critical area buffer or other area
3 of the property which can not be disturbed pursuant to subsection A of Section 25.09.280 of
4 SMC Chapter 25.09, Regulations for Environmentally Critical Areas.

5 16. Arbors. Arbors may be permitted in required yards under the following
6 conditions:

7 a. In any required yard, an arbor may be erected with no more than a forty
8 (40) square foot footprint, measured on a horizontal roof plane inclusive of eaves, to a maximum
9 height of eight (8) feet. Both the sides and the roof of the arbor must be at least fifty (50) percent
10 open, or, if latticework is used, there must be a minimum opening of two (2) inches between
11 crosspieces.

12 b. In each required yard abutting a street, an arbor over a private
13 pedestrian walkway with no more than a thirty (30) square foot footprint, measured on the
14 horizontal roof plane and inclusive of eaves, may be erected to a maximum height of eight (8)
15 feet. The sides of the arbor shall be at least fifty (50) percent open, or if latticework is used, there
16 must be a minimum opening of two (2) inches between crosspieces.

17 Section 7. Subsection E of Section 23.44.040 of the Seattle Municipal Code, which
18 section was last amended by Ordinance 117263, is amended as follows:

19 **23.44.040 General provisions.**

20 * * *

1 E. Except as provided for detached accessory dwelling units in Section 23.44.041B, any
2 ~~((Any))~~ accessory structure located in a required yard shall not exceed twelve (12) feet in height
3 nor one thousand (1,000) square feet in area.

4 * * *

5 Section 8. Section 23.44.041 of the Seattle Municipal Code, which section was last
6 amended by Ordinance 121276, is amended as follows:

7 **23.44.041 Accessory dwelling units.**

8 ~~((Accessory dwelling units may be permitted subject to the standards in subsection A of~~
9 ~~this section. The Master Use Permit process set forth in Chapter 23.76 shall be followed to~~
10 ~~authorize these uses.))~~

11 A. Accessory dwelling units, general provisions. The Director may authorize an
12 accessory dwelling unit ~~((if the Director finds that the unit meets the following development and~~
13 ~~use standards))~~ under the following conditions:

14 1. A lot with or proposed for a single-family dwelling may have no more than
15 one (1) accessory dwelling unit ~~((, and only one (1) accessory dwelling unit shall be allowed per~~
16 ~~lot)).~~

17 2. One (1) of the dwelling units ~~((in the structure))~~ shall be occupied by one (1)
18 or more owners of the property as the owner's(s') permanent and principal residence~~(((-)), and the~~
19 owner-occupant shall comply with the requirements of subsection C, Owner Occupancy. ~~((The~~
20 ~~owner-occupant must occupy the owner-occupied dwelling unit for more than six (6) months of~~
21 ~~each calendar year. The owner-occupant may not receive rent for the owner-occupied dwelling~~
22 ~~unit. If a complaint that an owner has violated these requirements is filed, the owner shall:~~

1 a. ~~Submit evidence to the Director showing good cause, such as job~~
2 ~~dislocation, sabbatical leave, education, or illness, for waiver of this requirement for up to three~~
3 ~~(3) years absence from the Puget Sound region. Upon such showing the Director may waive the~~
4 ~~requirement;~~

5 b. ~~Re-occupy the structure; or~~

6 c. ~~Remove the accessory dwelling unit.))~~

7 3. Any number of related persons may occupy each unit in a single-family
8 ~~((residence-))~~ dwelling unit with an accessory dwelling unit; provided that, if unrelated persons
9 occupy either unit, the total number of persons occupying both units ~~((together))~~ may not exceed
10 eight (8).

11 4.~~((Accessory dwelling units may not be located in any structure detached from~~
12 ~~the single family dwelling.))~~

All accessory dwelling units must meet the following, unless modified in subsection B:

<u>a. Maximum Gross Floor Area</u>	<u>One thousand (1,000) square feet, including garage and storage area.¹</u>
<u>b. Entrances</u>	<u>Only one (1) entrance to the structure may be located on each street-facing facade of the dwelling unit.²</u>
<u>c. Parking</u>	<u>One (1) off-street parking space is required, and may be provided as tandem parking with the parking space provided for the principal dwelling unit.³ An existing required parking space may not be eliminated to accommodate an accessory dwelling unit, unless it is replaced elsewhere on the lot.</u>
<p><u>Footnotes:</u></p> <p><u>1. The floor area of an accessory dwelling unit may exceed one thousand (1,000) square feet only if the portion of the structure in which the accessory dwelling unit is located was in existence as of June 1, 1999 and if the entire accessory dwelling unit is located on one (1) level.</u></p> <p><u>2. More than one entrance may be allowed if: a) two (2) entrances on the street-facing facade existed on January 1, 1993; or b) the Director determines that topography, screening or another design solution is effective in de-emphasizing the presence of a second entrance.</u></p> <p><u>3. No off-street parking space will be required for an accessory dwelling unit if:</u></p> <p style="padding-left: 40px;"><u>a. The topography or location of existing principal or accessory structures makes provision of an off-street parking space physically infeasible; or</u></p> <p style="padding-left: 40px;"><u>b. The site is located in a residential parking zone (RPZ) and a current parking study is submitted showing a utilization rate of less than seventy-five percent (75%) for on-street parking within four hundred feet (400') of all property lines of the site.</u></p> <p style="padding-left: 40px;"><u>c. The provisions in this footnote 3 providing for exceptions to the parking requirement do not apply to sites located in either the University District Parking Overlay Area (Section 23.54.015, Chart A, Map A) or the Alki Area Parking Overlay (Section 23.54.015, Chart A, Map B).</u></p>	

B. Accessory Dwelling Units, detached.

1. An accessory dwelling unit may be located in a structure separate from a principal single-family dwelling unit, pursuant to subsection A and the following, if it is outside of the Shoreline District established by Section 23.60.010:

<u>Development Standards for Detached Accessory Dwelling Units¹</u>				
<u>a. Minimum Lot Size</u>	<u>3,000 square feet</u>			
<u>b. Minimum Lot Width</u>	<u>25 feet</u>			
<u>c. Minimum Lot Depth</u>	<u>70 feet²</u>			
<u>d. Maximum Lot Coverage</u>	<u>The provisions of Section 23.44.010 apply.</u>			
<u>e. Maximum Rear Yard Coverage</u>	<u>The provisions of Section 23.44.014 D.6.b apply.</u>			
<u>f. Maximum Gross Floor Area</u>	<u>20% of the lot size, or 1,000 square feet, whichever is less, including garage or storage area.³</u>			
<u>g. Front Yard</u>	<u>A detached accessory dwelling unit may not be located within the front yard required by Section 23.44.014A.</u>			
<u>h. Minimum Side Yard</u>	<u>The provisions of Section 23.44.014 apply.</u>			
<u>i. Minimum Rear Yard</u>	<u>A detached accessory dwelling unit may be located within a required rear yard when it is not within 5 feet of the rear lot line, unless the rear lot line is adjacent to an alley, in which case a detached accessory dwelling unit may be located at the rear lot line.⁴</u>			
<u>j. Permitted Structure Height⁵</u>	<u>Lot Width (feet)</u>			
	<u>Less than 30</u>	<u>30-35</u>	<u>36-40</u>	<u>41 or greater</u>
<u>(1) Maximum Base Height (feet)</u>	<u>12</u>	<u>14</u>	<u>15</u>	<u>16</u>
<u>(2) Maximum Height with Pitched Roof (feet)</u>	<u>15</u>	<u>21</u>	<u>22</u>	<u>23</u>
<u>(3) Maximum Height with Shed or Butterfly Roof (feet); see Exhibit 23.44.041 B.</u>	<u>15</u>	<u>18</u>	<u>19</u>	<u>20</u>
<u>Footnotes:</u> <u>1 Exceptions to the standards contained in subsections a through j are permitted pursuant to 23.44.041B2, when converting existing nonconforming structures.</u> <u>2. For lots that do not meet the lot depth requirement, but have a greater width than depth and an area greater than 5,000 square feet, a detached accessory dwelling unit is permitted, provided the unit is not located in a required yard.</u>				

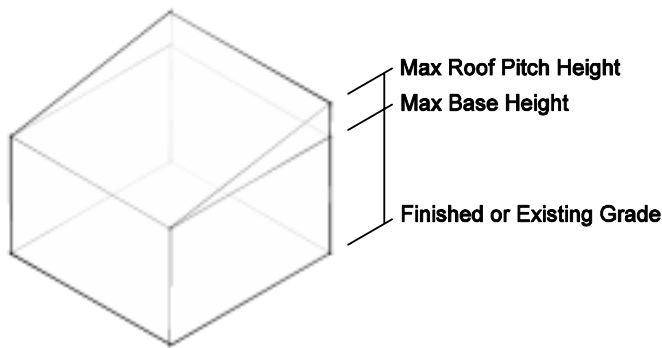
3. Areas below grade are exempt from the maximum gross floor area limitation. See Section 23.86.007, Gross floor area and floor area ratio.

4. When the rear lot line is adjacent to an alley and a detached accessory dwelling unit includes a garage with a vehicle entrance that faces the alley, the garage portion of the structure may not be located within 12 feet of the centerline of the alley.

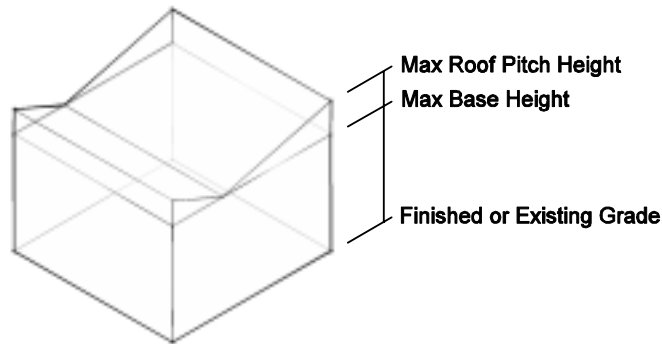
5. Features such as chimneys, antennas, and flagpoles may extend up to four (4) feet above the maximum allowed height.

Exhibit 23.44.041 B: Explanation of Terms for Shed and Butterfly Roofs for Detached Accessory Dwelling Units.

Shed Roof Example



Butterfly Roof Example



2. Conversion of accessory structures. An existing accessory structure may be converted into a detached accessory dwelling unit if:

a. the accessory structure complies with the minimum standards set forth in Sections 22.206.010 through 22.206.140 of the Housing and Building Maintenance Code, SMC Chapter 22.206; and

1 b. nonconformity with the development standards for accessory
2 dwelling units contained in Sections 23.044.041A.4 and 23.044.041B.1 is not increased; and

3 c. the applicant can demonstrate that the accessory structure was
4 constructed prior to June 1, 1999.

5 ~~((5. The floor area of the accessory dwelling unit may exceed one thousand~~
6 ~~(1,000) square feet only if the portion of the structure in which the accessory dwelling unit is~~
7 ~~located was in existence as of June 1, 1999 and if the entire accessory dwelling unit is located on~~
8 ~~one (1) level.~~

9 ~~6. Only one (1) principal entrance to the structure may be located on each street-~~
10 ~~facing facade of the residence except:~~

11 ~~a. Where two (2) entrances on the front or street side existed on January~~
12 ~~1, 1993 or;~~

13 ~~b. Where the Director determines that topography, screening or other~~
14 ~~design solution is effective in de-emphasizing the presence of a second entrance, so there do not~~
15 ~~appear to be two principal entrances.~~

16 ~~7. A minimum of one (1) off-street parking space per accessory dwelling unit~~
17 ~~shall be provided, which space may be in tandem with parking provided for the principal~~
18 ~~dwelling unit.~~

19 ~~a. The Director may waive the parking requirement for an accessory~~
20 ~~dwelling unit if topography or location of existing principal or accessory structures makes~~
21 ~~provision of a parking space physically or economically infeasible and, for properties located in~~
22 ~~residential parking zones (RPZs), a parking study is conducted and shows that the utilization rate~~

1 ~~for on-street parking within a four hundred (400) foot walking distance of the subject property is~~
2 ~~less than seventy five (75) percent. Parking may not be waived for accessory dwelling units~~
3 ~~within the University District or Alki Parking Overlay Areas as shown on Maps A and B,~~
4 ~~Section 23.54.015.~~

5 ~~b. The applicant need not apply for a variance in order to waive the~~
6 ~~parking requirement. The parking waiver process cannot be used to eliminate an existing~~
7 ~~required parking space in order to create an accessory dwelling unit, unless replaced elsewhere~~
8 ~~on the lot.))~~

9 ~~8. Ceiling Height.~~

10 ~~If the portion of the single family dwelling in which the accessory dwelling unit is~~
11 ~~located was in existence prior to October 17, 1979, the minimum ceiling height shall be six (6)~~
12 ~~feet eight (8) inches measured per Sections 310.6.1 and 3403 of the Seattle Building Code~~
13 ~~(SBC), or the minimum ceiling height shall be six (6) feet four (4) inches if a hard-wired smoke~~
14 ~~detector is located in the accessory dwelling unit. If the portion of the single family dwelling in~~
15 ~~which the accessory dwelling unit is located was constructed on or subsequent to October 17,~~
16 ~~1979, the minimum ceiling height shall be as determined according to Sections 310.6.1 and 3403~~
17 ~~of the Seattle Building Code.~~

18 ~~B. Certification of Owner Occupancy. After issuance of a permit establishing an~~
19 ~~accessory dwelling unit, the Department of Design Construction and Land Use shall record as a~~
20 ~~deed restriction in the King County Office of Records and Elections a certification by the~~
21 ~~owner(s) under oath in a form prescribed by the Director that one (1) of the dwelling units is~~
22 ~~occupied by the owner(s) of the property as the owner's(s') principal and permanent residence~~

1 ~~and a statement by the owner(s) that the owner(s) will notify any prospective purchasers of the~~
2 ~~requirements of this section. When ownership of a single family residence with an approved~~
3 ~~accessory dwelling unit changes, the new owner(s) shall either submit a new owner occupancy~~
4 ~~certification to the Department of Design, Construction and Land Use for recording, or remove~~
5 ~~the accessory dwelling unit. Failure to submit a new certificate or remove the accessory dwelling~~
6 ~~unit within one (1) year of transfer of ownership shall be a violation of the Land Use Code~~
7 ~~subject to civil penalties provided in Section 23.90.018. Falsely certifying owner occupancy or~~
8 ~~failure to comply with the terms of the owner occupancy certification shall be subject to a civil~~
9 ~~penalty of Five Thousand Dollars (\$5,000), in addition to any criminal penalties.))~~

10 C. Owner Occupancy.

11 1. Requirement.

12 a. An owner of the property must occupy either the principal dwelling unit
13 or the accessory dwelling unit for more than six (6) months of each calendar year; and

14 b. An owner may not receive rent for an owner-occupied dwelling unit.

15 2. Violation. If there is a violation of the requirements of subsection C1, the
16 owner shall:

17 a. Submit evidence to the Director showing good cause why the
18 requirement for owner occupancy should be waived. Good cause may include job dislocation,
19 sabbatical leave, education, or illness. Upon such showing the Director may waive the
20 requirement for up to three (3) years; or

21 b. Re-occupy the structure; or

22 c. Remove the accessory dwelling unit; and

d. Be subject to the penalties provided in Sections 23.90.018, 23.90.019 and 23.90.020.

3. Deed Restriction. Prior to issuance of a permit establishing an accessory dwelling unit, the owner shall sign under oath, and the Department of Planning and Development shall record in the King County Office of Records and Elections, an agreement by the owner(s) that is binding on subsequent owners, in a form prescribed by the Director, agreeing to:

a. Comply with the requirements of this Subsection C; and

b. Notify all prospective purchasers of the requirements of this subsection

C.

~~((C.))~~ D. Single-family Status Unaffected. A single-family ~~((dwelling))~~ lot with an accessory dwelling unit shall be considered a single-family residence for purposes of rezone criteria (Section 23.34.011).

~~((D. Every two (2) years, DCLU shall prepare a report for the City Council stating the number and location of permits issued for new accessory housing units.))~~

Section 9. Subsection D of Section 23.44.050 of the Seattle Municipal Code, which section was last amended by Ordinance 117263, is amended as follows:

23.44.050 Home occupations.

* * *

D. The occupation ~~((shall))~~ may be conducted only within the principal structure or ~~((and not))~~ in an accessory dwelling unit. ~~((structure, except that parking))~~ Parking of vehicles associated with the home occupation shall be permitted anywhere that parking is permitted on the lot.

* * *

Section 10. Section 23.84.004 of the Seattle Municipal Code, which section was last amended by Ordinance 121196, is amended to add a definition of “Butterfly Roof” as follows:

23.84.004 “B.”

* * *

“Butterfly roof” means a roof having planes that slope upward from the interior of a structure toward its exterior walls.

Section 11. Section 23.84.008 of the Seattle Municipal Code, which section was last amended by Ordinance 121276, is amended as follows:

23.84.008 “D.”

"Dwelling unit, accessory" means an additional room or set of rooms located within an owner-occupied single-family structure or within an accessory structure on the same lot as an owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.

“Dwelling unit, detached accessory” means an additional room or set of rooms located within an accessory structure on the same lot as an owner-occupied single family dwelling unit, meeting the standards of Section 23.44.041, and designed, arranged, occupied or intended to be occupied by not more than one (1) household as living accommodations independent from any other household.

Section 12. Section 23.84.032 of the Seattle Municipal Code, which Section was last amended by Ordinance 120117, is further amended as follows:

23.84.032 “R.”

* * *

“Residential use” means any one (1) of the following uses:

1. “Accessory dwelling unit.” See “Dwelling unit, accessory.”

~~((1.))~~ 2. “Adult family home” means a residential use as defined and licensed by The State of Washington in a dwelling unit.

~~((2.))~~ 3. “Artist’s studio/dwelling” means a combination working studio and dwelling unit for artists, consisting of a room or suite of rooms occupied by not more than one (1) household.

~~((3.))~~ 4. “Assisted living facility” means a multifamily residential use licensed by The State of Washington as a boarding home pursuant to RCW 18.20, for people who have either a need for assistance with activities of daily living (which are defined as eating, toileting, ambulation, transfer [e.g., moving from bed to chair or chair to bath], and bathing) or some form of cognitive impairment but who do not need the skilled critical care provided by nursing homes. An “assisted living facility” contains multiple assisted living units. An assisted living unit is a dwelling unit permitted only in an assisted living facility.

~~((4.))~~ 5. “Caretaker’s quarters” means a residential use accessory to a nonresidential use consisting of a dwelling unit not exceeding eight hundred (800) square feet of living area and occupied by a caretaker or watchperson.

1 ~~((5-))~~ 6. “Congregate residence” means a dwelling unit in which rooms or
2 lodging, with or without meals, are provided for nine (9) or more non-transient persons not
3 constituting a single household, excluding single-family residences for which special or
4 reasonable accommodation has been granted.

5 7. “Detached accessory dwelling unit.” See “Dwelling unit, detached accessory.”

6 ~~((6-))~~ 8. “Domestic violence shelter” means a dwelling unit managed by a
7 nonprofit organization which provides housing at a confidential location and support services for
8 victims of family violence.

9 ~~((7-))~~ 9. “Floating home” means a dwelling unit constructed on a float, which is
10 moored, anchored or otherwise secured in the water.

11 ~~((8-))~~ 10. “Mobile home park” means a residential use in which a tract of land is
12 rented for the use of more than one (1) mobile home occupied as a dwelling unit.

13 ~~((9-))~~ 11. “Multifamily structure” means a structure or portion of a structure
14 containing two (2) or more dwelling units.

15 ~~((10-))~~ 12. “Nursing home” means a residence, licensed by the state, that provides
16 full-time convalescent and/or chronic care for individuals who, by reason of chronic illness or
17 infirmity, are unable to care for themselves. No care for the acutely ill or surgical or obstetrical
18 services shall be provided in such a residence. This definition excludes hospitals or sanitariums.

19 ~~((11-))~~ 13. “Single-family dwelling unit” means a detached structure containing
20 one (1) dwelling unit and having a permanent foundation. The structure may also contain an
21 accessory dwelling unit. A detached accessory dwelling unit is not considered a single-family
22 dwelling unit for purposes of this chapter.

* * *

“Roof, butterfly.” See “Butterfly roof.”

* * *

Section 13. Subsections A and B of Section 23.90.018, which section was last amended by Ordinance 120156, is amended as follows:

23.90.018 Civil penalty.

A. In addition to any other sanction or remedial procedure (~~which~~) that may be available, any person violating or failing to comply with any of the provisions of Title 23 and who is identified in an order of the Director shall be subject to a cumulative penalty in the amount of Seventy-five Dollars (\$75) per day for each violation from the date set for compliance until the person complies with the requirements of the code, except as provided in subsection B of this section.

B. Specific Violations.

1. Violations of Section 23.71.018 are subject to penalty in the amount specified in Section 23.71.018 H.

2. Violations of the requirements of Section 23.44.041C are subject to a civil penalty of five thousand dollars (\$5,000).

* * *

Section 14. Section 23.90.019 of the Seattle Municipal Code, which Section was last amended by Ordinance 119617, is further amended as follows:

23.90.019 Civil penalty for unauthorized dwelling units in single-family structures and for unauthorized detached accessory dwelling units.

A. In addition to any other sanction or remedial procedure ~~((which))~~ that may be available, the following penalties ~~((shall))~~ apply to any owner of a single-family dwelling unit ~~((structure))~~ with one (1) or more unauthorized dwelling unit(s) in the single family dwelling unit or in a detached accessory structure. Any owner of a single-family dwelling unit ~~((structure))~~ who is issued a notice of violation for an ~~((one (1) or more))~~ unauthorized dwelling unit ~~((unit(s) and which dwelling unit(s) are))~~ that is not a ~~((legal(ly)))~~ legal nonconforming use, ~~((uses shall be))~~ is subject to a civil penalty of One Thousand Dollars (\$1,000). This penalty shall be reduced to One Hundred Dollars (\$100) if, prior to the compliance date stated on the notice, the owner removes ~~((the))~~ all unauthorized dwelling ~~((unit(s)))~~ units. Any owner of a single-family dwelling unit ~~((structure))~~ who voluntarily applies to legalize an accessory dwelling unit prior to issuance of a notice of violation for an unauthorized dwelling unit, and obtains final inspection approval for the unit within one (1) year of issuance of permit, shall not be subject to a civil penalty.

B. After discovery of the existence of one (1) or more unauthorized dwelling unit(s) in a single-family dwelling unit ~~((structure))~~ or the existence of an unauthorized detached accessory dwelling unit, the Director shall issue a Notice of Violation in the manner set forth in Section 23.90.006, which notice shall impose the civil penalty and notify the owner of the date by which action to remove or legally establish the ~~((illegal))~~ unauthorized unit(s) must be completed to avoid additional penalty. Failure to complete the required action by the date stated shall be a

1 further violation of the Land Use Code, subjecting the owner to an additional penalty of Seventy-
2 five Dollars (\$75) per day until the Notice is satisfied. Such penalties shall be collected in the
3 manner provided in Section 23.90.018.

4 Section 15. The provisions of this ordinance are declared to be separate and severable.
5 The invalidity of any particular provision shall not affect the validity of any other provision.

6 Section 16. This ordinance shall take effect and be in force thirty (30) days from and after
7 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days
8 after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

9 Passed by the City Council the ____ day of _____, 2004, and signed
10 by me in open session in authentication of its passage this ____ day of _____,
11 2004.

12 _____
13 President _____ of the City Council

14
15 Approved by me this ____ day of _____, 2004.

16
17 _____
18 Gregory J. Nickels, Mayor

19
20 Filed by me this ____ day of _____, 2004.

21
22 _____
23 City Clerk

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25
26 (Seal)
27
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